

1672 JFW

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT (Under 37 CFR 1.97(b) or 1.97(c))	Docket No. 14418Z
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In Re Application Of: **Benjamin Eithan Reubinoff, et al.**

JUL 30 2004

Application No. 09/970,543	Filing Date October 4, 2001	Examiner Deborah Crouch	Customer No. 23389	Group Art Unit 1632	Confirmation No. 1839
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Title: **EMBRYONIC STEM CELLS AND NEURAL PROGENITOR CELLS DERIVED THEREFROM**

Address to:
**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

37 CFR 1.97(b)

1. ☐ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

37 CFR 1.97(c)

2. ☒ The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

☒ the statement specified in 37 CFR 1.97(e);

OR

☐ the fee set forth in 37 CFR 1.17(p).

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.
14418Z

In Re Application: **Benjamin Eithan Reubinoff, et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/970,543	October 4, 2001	Deborah Crouch	23389	1632	1839

EMBRYONIC STEM CELLS AND NEURAL PROGENITOR CELLS DERIVED THEREFROM

Payment of Fee

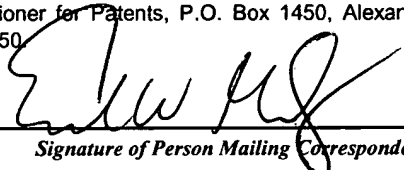
(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- ☐ A check in the amount of _____ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **19-1013/SSMP** as described below.
- ☐ Charge the amount of _____
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.

Certificate of Transmission by Facsimile*

I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. _____)
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Certificate of Mailing by First Class Mail

I certify that this document and fee is being deposited on 7/28/2004 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
 Signature of Person Mailing Correspondence
Edward W. Grolz
_____ Typed or Printed Name of Person Mailing Certificate

*This certificate may only be used if paying by deposit account.


Signature

Dated: **July 28, 2004**

Edward W. Grolz
Registration No.: 33,705
Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, NY 11530
(516) 742-4343

CC:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Benjamin Eithan Reubinoff, et al.

Examiner: Deborah Crouch

Serial No.: 09/970,543

Art Unit: 1632

Filed: October 4, 2001

Docket: 14418Z

For: EMBRYONIC STEM CELLS
AND NEURAL PROGENITOR
CELLS DERIVED THEREFROM

Date: July 28, 2004

Confirmation No.: 1839

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

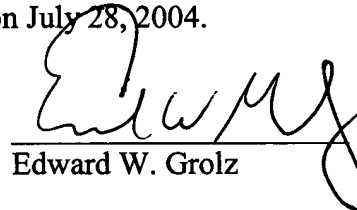
Sir:

In accordance with 37 C.F.R. §§1.97 and 1.98, it is requested that the references,
listed on the attached Form PTO-1449, be made of record in the above-identified case.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 28, 2004.

Dated: July 28, 2004


Edward W. Grolz

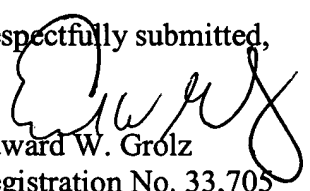
The references were cited in a Supplementary Partial Search Report dated April 29, 2004 received from the European Patent Office. Applicants are submitting copies of the cited references, together with a copy of the Search Report. The relevance of the references has been described in the Search Report.

The Search Report also cites T. Mujtaba, et al. and Li et al. The T. Mujtaba, et al., reference was submitted in an Information Disclosure Statement dated April 29, 2004. The M. Li, et al., reference was cited by the Examiner in the Office Action dated March 5, 2004. Therefore, these two references are not included in the attached Form PTO-1449.

Further, since certification pursuant to 37 C.F.R. §1.97(c) and (e) the information presented in this Information Disclosure Statement was first cited in a communication from the European Patent Office in connection with a corresponding European application not more than three months prior to the filing of this statement is enclosed herewith, no fee under 37 C.F.R. §1.197(c) is required.

Consideration of this Information Disclosure Statement is respectfully requested, since the art provided may be material to the examination of the present application as defined under 37 C.F.R. §1.56.

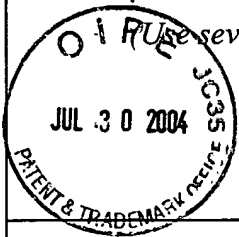
Respectfully submitted,


Edward W. Grolz
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Garden City, NY 11530
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EWG/XZ:ng/ab

Form PTO-1449 U.S. DEPARTMENT OF COMMERCE
(REV. 7-80) PATENT AND TRADEMARK OFFICE

INFORMATION DISCLOSURE CITATION**Atty. Docket No. (Optional)**

14418Z

Application Number

09/970,543

Applicant(s)

Benjamin Eithan Reubinoff, et al.

Filing Date

October 4, 2001

Group Art Unit

1632

U.S. PATENT DOCUMENTS

EXAMINER INITIAL*		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (if appropriate)
	AA						

FOREIGN PATENT DOCUMENTS

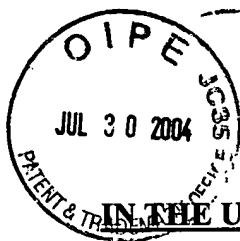
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	1.	R.A. Pedersen, "Studies of <i>in vitro</i> Differentiation with Embryonic Stem Cells", <u>Reprod. Fertil. Dev.</u> , Vol. 6, pp. 543-552, (1994)
	2.	P.D. Rathjen, et al., "Properties and Uses of Embryonic Stem Cells: Prospects for Application to Human Biology and Gene Therapy", <u>Reprod. Fertil. Dev.</u> , Vol. 10, pp. 31-47, (1998)

EXAMINER**DATE CONSIDERED**

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Benjamin Eithan Reubinoff, et al.

Examiner: Deborah Crouch

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**STATEMENT PURSUANT
TO 37 C.F.R. § 1.97(c)(1) and (e)(1)**

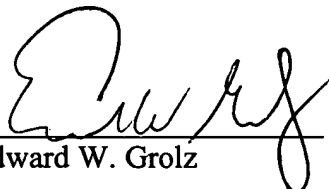
Sir:

I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from the European Patent Office in connection with the subject applications counterpart European application not more than three months prior to the filing of this statement.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450 on July 28, 2004.

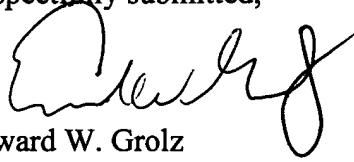
Dated: July 28, 2004


Edward W. Grolz

Accordingly, it is respectfully requested that the accompanying Information

- Disclosure Statement be considered with respect to the above-identified application.

Respectfully submitted,



Edward W. Grolz
Registration No. 33,705

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